



# 2015-012

STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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Honorable Randy Fry  
Council President, City of Daphne  
Post Office Box 400  
Daphne, Alabama 36526

Municipalities – Rules of the Road –  
Bicycles – Sidewalks

In general, a bicycle may not be used on a sidewalk except where the sidewalk is crossed by a driveway. If a sidewalk that is adjacent to a road has been designated by a city council as a public path for bicycle and pedestrian use, a bicycle must be used on the public bicycle path and not on the adjacent roadway.

Dear Mr. Fry:

This opinion of the Attorney General is issued in response to your request on behalf of the Daphne City Council.

QUESTIONS

(1) Is a bicycle a vehicle prohibited from operation on a sidewalk by section 32-5A-52 of the Code of Alabama?

(2) Under what circumstances may a bicycle be operated on a sidewalk?

(3) May a municipality enact an ordinance allowing such operation?

(4) Is a sidewalk a path that cyclists are required to use if located adjacent to a road?

### FACTS AND ANALYSIS

Your request states as follows:

The City of Daphne has over 65 linear miles of sidewalk within its corporate limits, including a portion of the 36-mile-long Eastern Shore Trail. The trail is a 6-foot to 8-foot-wide sidewalk that runs along Scenic Highway 98 through the city limits. Many of Daphne's nearly 23,000 residents enjoy riding their bicycles throughout the city. Some of these cyclists prefer to ride on public sidewalks while others on public roads. In recent months, questions have been raised regarding whether cyclists can lawfully operate on sidewalks and roads.

Title 32 of the Code of Alabama relates to motor vehicles and traffic. Section 32-5A-52 prohibits a person from driving "**any vehicle** upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway." ALA. CODE § 32-5A-52 (2010) (emphasis added). The definition of "vehicle" specifically states that "a bicycle . . . shall be deemed a vehicle." ALA. CODE § 32-1-1.1(81) (2010).

The only exception provided for in section 32-5A-52 is that for driveways. Thus, generally, a bicycle may not be operated on a sidewalk that is not also a driveway.

Section 32-5A-263 governs where bicycles may be ridden. Section 32-5A-263(a) requires that bicycle operators "ride as near to the right side of the roadway as practicable." ALA. CODE § 32-5A-263 (Supp. 2014). Section 32-5A-263(c), however, states that, "[w]herever a usable **path** for bicycles has been provided **adjacent to a roadway**, bicycle riders shall use such **path** and shall not use the roadway." ALA. CODE § 32-5A-263(c) (Supp. 2014) (emphasis added).

The definitional section of title 32 does not include a definition for "path." ALA. CODE § 32-1-1.1 (2010). Nonetheless, a closely-related term is defined elsewhere in title 32. The Brad Hudson-Alabama Bicycle Safety Act of 1995, codified at section 32-5A-280, *et seq.*, provides for

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bicycle safety for children. ALA. CODE §§ 32-5A-280 to 32-5A-286 (2010). Section 32-5A-281(6) defines "public bicycle path" as "[a] *right-of-way* under the jurisdiction and control of the state, or a local political subdivision thereof, *for use primarily by bicyclists and pedestrians.*" ALA. CODE § 32-5A-281(6) (2010) (emphasis added). It is the opinion of this Office that this definition applies to the term "path" appearing in section 32-5A-263.

The definition of "public bicycle path" does not qualify the type of right-of-way that may be used as such a path. Therefore, a public bicycle path may include a sidewalk that has been designated by a city council for bicycle and pedestrian use. A sidewalk so designated that is adjacent to a road is the only area that may be used by bicycle riders under section 32-5A-263(c).

#### CONCLUSION

In general, a bicycle may not be used on a sidewalk except where the sidewalk is crossed by a driveway. If a sidewalk that is adjacent to a road has been designated by a city council as a public path for bicycle and pedestrian use, a bicycle must be used on the public bicycle path and not on the adjacent roadway.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Ward Beeson of my staff.

Sincerely,

LUTHER STRANGE

Attorney General

By:



BRENDA F. SMITH

Chief, Opinions Division

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